

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: OLKKONEN et al.
Title: A DATA TRANSMISSION METHOD AND A
NETWORK ELEMENT
Appl. No.: 09/868,819
International Filing Date: 12/23/1999
371(c) Date: 10/04/01
Examiner: DENNISON, Jerry B.
Art Unit: 2443
Confirmation Number: 6311

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Commissioner for Patents
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Sir:

In accordance with the New **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal.

REMARKS

Claims 1, 4-10, 12-25 and 27-29 are pending in this application.

Objections

The specification was objected to for allegedly lacking proper antecedent basis for claimed subject matter. In particular, the Examiner argues that "storage medium," recited in claims 10 and 29, is absent from the specification. Applicant respectfully disagrees with the Examiner's position. However, in order to expedite prosecution, in a response filed on May 22, 2009, Applicant proposed amending claims 10 and 29 to delete the language objected to by the Examiner. The objection to the specification should be withdrawn upon entry of the amendment.

Rejections under 35 U.S.C. § 112

Claims 16 and 18 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In a response filed on May 22, 2009, Applicant proposed amending these claims to more

clearly recite the claimed subject matter. In the Advisory Action, the Examiner argues that amendment fails to cure the indefiniteness since it “is still unclear as what is meant by the nodes knowing what is associated with the data.” Applicant respectfully disagrees.

Applicant respectfully notes that one of ordinary skill in the art would readily understand that the nodes associate the data with a time slot number. See e.g., Specification, page 5, line 33 to page 7, line 2. In light of the description in the specification, the language of the claim is sufficiently clear. Therefore, Applicant respectfully requests these rejections be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1, 4-10, 12-21, 24-25 and 27-29 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Number 6,438,124 to Wilkes (hereinafter “Wilkes”). Applicant respectfully traverses these rejections for at least the reasons that follow.

As noted in previous replies by Applicant, embodiments of the present invention provide a gateway between a circuit-switched network, such as a public switched telephone network (PSTN), and the Internet. The gateway of the embodiments of the present invention functions as a transmission node of the network and, accordingly, may be transparent to a user. In accordance with certain embodiments, a header in an IP protocol datagram determines whether or not the datagram includes information belonging to a specified channel in a corresponding time slot of a circuit switched network node. Accordingly, claim 1 recites “forming a header for said IP protocol datagram based at least partly on circuit switched channel identifying parameters, which identify at least one channel in the second circuit switched transmission line” Independent claims 10, 28 and 29 also recite a similar feature.

Thus, in accordance with embodiments of the present invention, there are channels in the second circuit switched transmission line. It is the channel that is identified by the parameters, not the second circuit switched transmission line itself.

Wilkes fails to teach or suggest any channels or any parameters identifying such channels. Wilkes discloses a dedicated line connected between an originating VoiceEngine and origin telephone from which one signal is produced and distributed as determined by a subscriber. As previously noted by Applicant, in accordance with the disclosure of Wilkes, a dedicated line is connected between the destination and the VoiceEngine.

The Examiner argues that, in accordance with Wilkes, the second VoiceEngine receives IP packets from the first VoiceEngine and knows to which telephone extension the incoming IP packets should go. Thus, the Examiner argues, the first VoiceEngine in Wilkes must have formed said header

so that it included a parameter therein, identifying the telephone extension to which the second Voice Engine should push the contents of the packet.

Applicant respectfully disagrees with this interpretation of Wilkes as applied to the pending claims. Even accepting the Examiner's interpretation of Wilkes, Wilkes merely discloses parameters identifying a transmission line, not a channel within that line. Again, the pending claims recite "parameters ... which identify at least one channel in the second circuit switched transmission line."

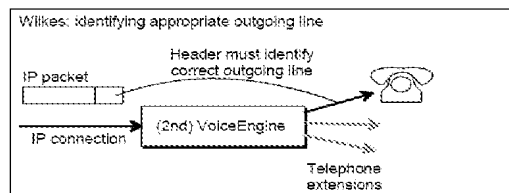
In accordance with the disclosure of Wilkes, only a single connection exists between two devices, such as a single cord running from a telephone exchange to an individual tabletop phone. There is no teaching or suggestion in Wilkes of any channels. Since Wilkes does not disclose any channels, it necessarily fails to disclose any channel identifiers. Disclosure by Wilkes of a simple identifier of the transmission line is insufficient to teach or suggest the features recited in the pending claims.

In the Advisory Action, the Examiner argues:

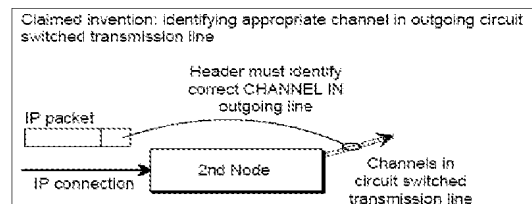
"even if the VoiceEngine obtains an identifier ... of the receiving phone(s) from the subscriber, the VoiceEngine still must convert that call data and specify in each IP packet these identifiers so that the receiving VoiceEngine can properly distribute the call data out on the correct channels so the call data reaches the proper destination. There's no way of doing this without an identifier that is used to determine the proper channel". Advisory Action dated June 2, 2009, Continuation Sheet.

Applicant respectfully notes that, in accordance with the disclosure of Wilkes, an identifier is used to determine the proper outgoing extension line. As noted above, Wilkes relates to a single, individual telephone extension line from the second VoiceEngine to each receiving telephone. There is no sharing of an outgoing transmission line between channels. Therefore, there is no disclosure of, or any need for, channel-specific identifiers in Wilkes.

The following drawings schematically illustrate the difference between Wilkes and embodiments of the present invention:



Wilkes



Embodiments of Present Invention

Thus, while Wilkes merely discloses the identification of the line, embodiments of the present invention provide an identifier for a channel within a line.

Since Wilkes fail to teach or suggest at least this feature of the pending claims, the Office Action fails to establish a prima facie case of obviousness.

Further, Applicant respectfully notes that claim 1 recites:

“indicating within said IP protocol datagram separately for each of a plurality of time slots known to at least one of said first and second circuit switched network nodes, whether the IP protocol datagram carries data belonging to a channel corresponding to the time slot, so that when it is indicated that the IP protocol datagram does not carry data belonging to a channel, the second circuit switched network node is allowed to receive data to that channel from other sources from an IP-network in a non-consecutive manner.”

The Examiner argues that, due to the multiplexing of the voice data, such data must be sent in packets which are separated into time slots. Applicant respectfully disagrees. As discussed above, the alleged multiplexing disclosed in Wilkes is accomplished through distribution of a single signal through pre-selection of destinations by the subscriber and not through channel identification parameters and time slots. Wilkes fails to teach or suggest any separation into time slots.

In accordance with the disclosure of Wilkes, a whole packet is always used for only one telephone connection. Even the Examiner interprets the disclosure of Wilkes as teaching that “each packet sent by the VoiceEngine contains a header that identifies which voice connection the packet belongs.” Office Action dated October 2, 2008, Page 7. Further, in accordance with the disclosure of Wilkes, the circuit switched line that comes to or goes from the VoiceEngine is a single telephone extension line and, therefore, does not require any time slot structure. Thus, Wilkes fails to teach or suggest anything associated with time slots corresponding to any indications.

In accordance with the disclosure of Wilkes, if a voice-carrying IP protocol datagram arrives at a receiving VoiceEngine, the voice signal must be carried on the telephone line. There is no possibility in the system of Wilkes of an IP protocol datagram that would not carry data and would thus allow the receiving VoiceEngine to receive data to some channel from other sources.

Further, in the Advisory Action, the Examiner refers to “the optional limitation, ‘allowing the VoiceEngine to receive data to that channel’ ” Advisory Action dated June 2, 2009, Continuation Sheet. Applicant respectfully disagrees with the Examiner’s characterization of the quoted language as both “optional” and as “limitation”.

First, the language in the inner quotes was used by Applicant as a citation to the Examiner’s assertion in an earlier Office Action. See Office Action dated March 23, 2009, page 6, lines 2-4. The pending claims recite no limitation which refers to any “VoiceEngine.” The actual limitation in claim

1 is “the second circuit switched network node is allowed to receive data to that channel from other sources from an IP-network in a non-consecutive manner.”

Second, the limitation recited in claim 1 is not “optional”, as alleged by the Examiner. The Examiner argues that “there is nothing in the invention of Wilkes that prevents this from occurring” and that there is nothing in Wilkes “that prevents a VoiceEngine from handling separate connections at the same time.” Advisory Action dated June 3, 2009, Continuation Sheet. Applicant respectfully disagrees.

Wilkes’s second Voice Engine is a dedicated device. See Wilkes, paragraph [0058]. Thus, it is only capable of performing the one task of receiving IP packets and converting their content into a normal telephone signal that it passes on to an extension line. In accordance with the disclosure of Wilkes, the packets must necessarily come in order. Otherwise, they could not be used for reconstructing a meaningful telephone signal.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,

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